IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4806 OF 2004
IN
CRIMINAL APPEAL NO. 1331 OF 2004

Nissar Khan @ Bakkar Khan ...Applicant.

V/s

The State of Maharashtra ...Respondent.

ALONG WITH

CRIMINAL APPLICATION NO.4862 OF 2004
IN
CRIMINAL APPEAL NO.1340 OF 2004

Jafar Mehmood Ali Deshmukh ...Applicant.

V/s

State of Maharashtra & Anr. ..Respondents

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Mr. A.H.H. Ponda for the applicant in both the applications.

Mr. A.M. Shringarpure, APP for the State in both the applications.

CORAM: V.M. KANADE, J.
DATE : 8th December, 2004

P.C.:

1. Heard the learned Counsel appearing on behalf of the applicants and the learned APP for the State.

2. Applicants are convicted under section 307 read with section 34 of the Indian Penal Code and sentenced to suffer R.I. for five years.

3. Prosecution's case is that the Yusuf Shaikh was assaulted by the applicants and two others with sword and choppers. It is submitted that the role attributed to the applicants - accused No.2 and accused No.3 is that the accused No.2 gave one blow to the Yusuf Shaikh with a sword and so far as the accused No.3 is concerned he had given blows with chopper on the leg of Yusuf Shaikh. It is submitted that the complainant Akram with the help of other persons took injured Yusuf Shaikh to the KEM hospital.

4. Prima facie case for bail is not made out. Applications for bail are therefore rejected. Liberty, however, is granted to the applicants to prepare a private paper-book and apply for fixed date of hearing. If the appeal is not heard within a period of six months, liberty to the applicants to apply for bail again.

V.M. KANADE, J.